

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

EPIC GAMES, INC.,
Plaintiff, Counter-defendant,
v.
APPLE INC.,
Defendant, Counterclaimant.

Case No. 4:20-CV-05640-YGR-TSH

**[PROPOSED] ORDER GRANTING
ADMINISTRATIVE MOTION TO SEAL
LIMITED PORTIONS OF THE PARTIES'
TRIAL EXHIBITS AND ANY
REFERENCES AT TRIAL TO THE
INFORMATION SOUGHT TO BE
SEALED**

Date: May 3, 2021

Courtroom: 1, 4th Floor

Judge: Hon. Yvonne Gonzalez Rogers

Having considered the Administrative Motion to Seal Pursuant to Civil L.R. 7-11 and 79-5 ("Motion") and supporting materials filed by Epic Games, Inc. ("Epic"), the Court finds that there are compelling reasons for granting the request to file documents under seal. *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178–80 (9th Cir. 2006). Accordingly, the Court **GRANTS** Epic's Motion to File Under Seal and **ORDERS**:

- (1) To the extent the information sought to be sealed by the Motion are introduced into evidence at trial, that information shall remain under seal, for reasons articulated in the table below;
- (2) The Court shall temporarily limit public access to the trial proceedings to those present live in the courtroom while sealable information related to trial exhibits is being discussed; and
- (3) Portions of the transcript related to such sealable information are additionally ordered sealed.

Trial Ex. No./ Dep. Tr.	Page(s)	Reason for Sealing and Evidence Offered in Support	Grant or Deny
DX-3294	EPIC_03354542-43	Non-public document setting forth confidential third-party financial information.	
DX-3301	EPIC_02029657	Non-public document setting forth confidential third-party financial information.	
DX-3310	EPIC_04058761	Detailed non-public information about unannounced future projects with third parties.	
DX-3376	Entire document	Detailed non-public pricing and terms of commercial agreements with third parties.	
DX-3399	EPIC_00126967-68, EPIC_00127007-08, EPIC_00127011-16, EPIC_00127027, EPIC_00127030, EPIC_00127061, EPIC_00127065-66, EPIC_00127070-71, EPIC_00127084, EPIC_00127090, EPIC_00127093, EPIC_00127096, EPIC_00127098 & EPIC_00127117	Detailed non-public information about unannounced future projects with third parties.	
DX-3461	EPIC_00019303, EPIC_00019305-09, EPIC_00019311, EPIC_00019313, EPIC_00019315 & EPIC_00019318	Detailed non-public pricing and terms of commercial agreements with third parties.	
DX-3608	EPIC_04537100	Non-public document setting forth confidential third-party financial information.	
DX-3619	EPIC_03356505-06	Detailed non-public pricing and terms of commercial agreements with third parties.	
DX-3631	Entire document	Detailed non-public pricing and terms of commercial agreements with third parties.	

1	DX-3753	EPIC_00127261-63, EPIC_00127271-72, EPIC_00127274 & EPIC_00127276	Non-public document setting forth confidential third-party financial information. Detailed non-public pricing and terms of commercial agreements with third parties.	
2	DX-3818	EPIC_03028500-01	Non-public document setting forth confidential third-party financial information.	
3	DX-3838	EPIC_00546368	Non-public and sensitive business information about future collaboration project with third parties.	
4	DX-3947	Entire document	Detailed non-public pricing and terms of commercial agreements with third parties.	
5	DX-3955	EPIC_00127304-06, EPIC_127308-12, EPIC_127314-15 & EPIC_127321	Non-public and sensitive business information about unannounced future projects with third parties. Non-public document setting forth confidential third-party financial information.	
6	DX-3993	EPIC_00127235, EPIC_00127241, EPIC_00127245, EPIC_00127248-50 & EPIC_00127257	Non-public document setting forth confidential third-party financial information.	
7	DX-4059	Entire document	Agreement with a third-party, which discloses competitively sensitive terms and conditions.	
8	DX-4085	EPIC_04028155-57 & EPIC_04028158- 61	Non-public document setting forth confidential third-party financial information. Non-public and sensitive third-party business information about unannounced future projects.	
9	DX-4100	Entire document	Non-public and sensitive business information about unannounced future project with third parties.	
10	DX-4133	EPIC_00127933, & EPIC_00127943-44	Non-public document setting forth confidential third-party financial information.	
11	DX-4153	Entire document	Non-public and sensitive business information about unannounced future project with third parties.	
12	DX-4363	Entire document	Agreement with a third-party, which discloses competitively sensitive terms and conditions.	

1	DX-4365	Entire document	Non-public document setting forth confidential third-party financial information.	
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3	DX-4485	EPIC_00007623	Non-public document setting forth confidential third-party financial information.	
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5	DX-4531	EPIC_00011435	Non-public document setting forth confidential third-party financial information.	
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7	DX-4544	EPIC_04541992	Detailed non-public pricing and terms of commercial agreements with third parties. Non-public document setting forth confidential third-party financial information.	
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10	DX-4606	EPIC_00007620	Detailed non-public pricing and terms of commercial agreements with third parties. Non-public document setting forth confidential third-party financial information.	
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13	DX-4633	EPIC_00126286-87	Detailed non-public pricing and terms of commercial agreements with third parties. Non-public document setting forth confidential third-party financial information.	
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16	DX-5493	EPIC_00089598	Detailed non-public pricing and terms of commercial agreements with third parties. Non-public document setting forth confidential third-party financial information.	
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19	PX-2423	EPIC_00012333 & EPIC_00012339	Detailed non-public pricing and terms of commercial agreements with third parties. Non-public document setting forth confidential third-party financial information.	
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22	PX-2424	EPIC_00016482-84 & EPIC_00016499	Detailed non-public pricing and terms of commercial agreements with third parties. Non-public document setting forth confidential third-party financial information.	
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25	PX-2426	EPIC_00021743 & EPIC_00021749	Detailed non-public pricing and terms of commercial agreements with third parties. Non-public document setting forth confidential third-party financial information.	
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PX-2438	EPIC_00086819	Detailed non-public pricing and terms of commercial agreements with third parties. Non-public document setting forth confidential third-party financial information.	
PX-2439	EPIC_00087876 & EPIC_00087882	Detailed non-public pricing and terms of commercial agreements with third parties. Non-public document setting forth confidential third-party financial information.	
PX-2442	EPIC_00126824, EPIC_00126829-32 & EPIC_00126834-37	Detailed non-public pricing and terms of commercial agreements with third parties. Non-public document setting forth confidential third-party financial information.	
PX-2451	Entire document	Non-public document setting forth confidential third-party financial information. Detailed non-public pricing and terms of commercial agreements with third parties.	
PX-2455	EPIC_02019148 & EPIC_02019150	Detailed non-public pricing and terms of commercial agreements with third parties. Non-public document setting forth confidential third-party financial information.	
PX-2456	EPIC_02030347 & EPIC_02030355 & EPIC_02030363	Detailed non-public pricing and terms of commercial agreements with third parties. Non-public document setting forth confidential third-party financial information.	
PX-2462	EPIC_03342926, EPIC_03342932, EPIC_03342966, EPIC_03342930, EPIC_03342973 & EPIC_03342974	Detailed non-public pricing and terms of commercial agreements with third parties. Non-public document setting forth confidential third-party financial information.	
PX-2463	EPIC_03349864, EPIC_03349870 & EPIC_03349875	Detailed non-public pricing and terms of commercial agreements with third parties. Non-public document setting forth confidential third-party financial information.	
PX-2464	EPIC_03355982-83 & EPIC_03355994-95	Detailed non-public pricing and terms of commercial agreements with third parties. Non-public document setting forth confidential third-party financial information.	

PX-2465	EPIC_03682186, EPIC_03682192, EPIC_03682211	Non-public document setting forth confidential third-party financial information.	
PX-2466	EPIC_03694106, EPIC_03694111 & EPIC_03694116	Non-public document setting forth confidential third-party financial information.	
PX-2469	EPIC_03967175-76, EPIC_03967198, EPIC_03967200 & EPIC_03967223	Detailed non-public pricing and terms of commercial agreements with third parties. Non-public and sensitive third-party business information about unannounced future projects.	
PX-2473	EPIC_04044751, EPIC_04044752, EPIC_04044781 & EPIC_04044827	Non-public document setting forth confidential third-party financial information.	
Allison Dep. Tr.	96:1-97:25	Non-public document setting forth confidential third-party financial information.	
Weissinger Dep. Tr.	236:4-20, 242:9-23	Detailed non-public pricing and terms of commercial agreements with third parties. Non-public and sensitive information about future collaboration project with third parties.	
DX-3542	EPIC_01308344	Contains confidential hashed payment information that if disclosed could allow hackers to analyze the information and commit fraud.	
DX-3756	EPIC_01919578	Contains information identifying specific Epic confidential fraud controls.	
DX-3776	EPIC_02222908-12, EPIC_02222914 & EPIC_02222916-18	Includes confidential Purchase ID and Order ID information. If disclosed, this information could allow bad actors to identify information that Epic uses in its verification processes, and work around Epic's anti-cheat and anti-fraud mechanisms.	
DX-4191	EPIC_01495201	Includes information identifying specific Epic confidential anti-cheat controls	
DX-4266	EPIC_00009962	Includes information identifying specific Epic confidential fraud controls.	

DX-4334	EPIC_02462831	Includes information identifying how to submit clawback requests to Epic as a trusted third party, which if disclosed could be used by bad actors to commit fraud; Page 2 includes information identifying specific Epic confidential fraud detection mechanisms.	
DX-4362	EPIC_00428916-18	Includes information identifying specific Epic confidential anti-cheat controls.	
DX-4472	EPIC_03345156-58 & EPIC_03345163-64	Includes information identifying specific Epic fraud detection and mitigation controls.	

IT IS SO ORDERED.

Dated:

X

Hon. Yvonne Gonzalez Rogers
United States District Judge

CERTIFICATE OF SERVICE

Pursuant to L.R. 5-5, the undersigned certifies that on May 5, 2021, the foregoing motion is being filed and served electronically via the Court's CM/ECF system and served manually on Defendant.

/s/ M. Brent Byars